

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN  
DEAN AUSILIO, VICE-CHAIRMAN  
MICHAEL D. KOEHS, SECRETARY  
MEMBERS: JOA PENZIEN  
CHARLES OLIVER  
ARNOLD THOEL  
DEBORAH ZOLNOSKI

ABSENT: NONE

ALSO PRESENT: Colleen O'Connor, Township Attorney  
Jerome R. Schmeiser, Community Planning Consultant  
(Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

Pledge of Allegiance

1. Roll Call

Clerk KOEHS called the Roll Call. All members present.

2. Approval of Agenda Items (with any corrections)

**MOTION by AUSILIO seconded by THOEL to approve the agenda items as presented.**

**MOTION carried.**

3. Approval of the November 15, 2005 previous Meeting Minutes

**MOTION by OLIVER seconded by AUSILIO to approve the November 15, 2005 Meeting Minutes with the revision to agenda item number 9. Tentative Preliminary Plat (Revised); Wolverine County Club. This motion involves two amounts that the developer is required to deposit with the Township. The amount reflected in the motion of Two Hundred Seventy Thousand**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

**Seven Hundred Forty Dollars and 00/100 (\$270,740.00) is not accurate. The correct amount will need to appear in this motion as Two Hundred Seventeen Thousand Seven Hundred Forty dollars and 00/100 (\$217,740.00) for the construction of the proposed bridge. Permanent Parcel No. 08-04-400-030.**

**MOTION carried.**

**PUBLIC HEARING:**

4. **Proposed Master Plan Amendment:**
- **Section 2 and 3 - Density Increase**

Jerome R. Schmeiser, Community Planning Consultant, reviewed the amendment documents and recommended that the Macomb Township Master Plan be amended to provide for a density of 2 units per acre rather than 1 unit per acre for sections 2 and 3 for the following reasons:

1. The provision of water and sewer facilities for these two square miles is becoming a reality and further that the Master Water and Sewer Plan for Macomb Township will have capacities not formerly available.
2. The constraints placed upon the development of septic systems are such that the development of property w/wells and septic fields is based upon availability of public sewer and water.
3. There has been no demand for development of subdivisions served by well and septic fields. There has been, however, interest in the development of subdivision that will require water and sewer facilities.
4. The amendment to increase the density of sections 2 and 3 from 1 unit per acre to 2 units per acre will unify the plan as it relates to the density of sections 10 and 11 to the immediate south. The amendment would thus set aside 4 square miles of uniform density in an area most suitable for lower density.

Public Portion: None

**MOTION by AUSILIO seconded by THOEL to close the Public Hearing at 7:35 p.m.**

**MOTION carried.**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

**MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to adopt the proposed amendments to the Macomb Township Master Plan to provide for a density of 2 units per acre rather than 1 unit per acre for sections 2 and 3 pursuant to the recommendation of the Community Planning Consultant as follows:**

**It is recommended that the Macomb Township Master Plan be amended to provide for a density of 2 units per acre rather than 1 unit per acre for sections 2 and 3 for the following reasons:**

- 1. The provision of water and sewer facilities for these two square miles is becoming a reality and further that the Master Water and Sewer Plan for Macomb Township will have capacities not formerly available.**
- 4. The constraints placed upon the development of septic systems are such that the development of property w/wells and septic fields is based upon availability of public sewer and water.**
- 5. There has been no demand for development of subdivisions served by well and septic fields. There has been, however, interest in the development of subdivision that will require water and sewer facilities.**
- 4. The amendment to increase the density of sections 2 and 3 from 1 unit per acre to 2 units per acre will unify the plan as it relates to the density of sections 10 and 11 to the immediate south. The amendment would thus set aside 4 square miles of uniform density in an area most suitable for lower density.**

**MOTION carried.**

- 5. Proposed Zoning Ordinance Amendments:**
  - §10.0344 - alternate wall forms**
  - §10.2405 - (¶ I) remove signature requirement on Notices of Variance**
  - §10.0503 - (¶ III) remove reference to Planned Unit Development (PUD)**
  - §10.0603 - (¶ III) remove reference to Planned Unit Development (PUD)**
  - §10.0604 - amending lot area**
  - §10.0704 - amending lot area**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

Jerome R. Schmeiser, Community Planning Consultant, reviewed the amendment documents and recommended the following:

Subject: Proposed Amendment to Macomb Township Zoning Ordinance; Regulation of wall forms: Removal of PUD references from the R-1-S and R-1-E Districts; Minimum lot area requirements for R-1-E and R-1 Districts and Notices of Variance provisions pertaining to the Zoning Board of Appeals.

1. The Planning Consultant has been discussing the proposed amendments with department heads informally over the past few months. The proposed amendments are discussed separately below.
2. **Sec. 10.0344 Wall Construction- Amend the paragraph to permit “stone textured poured concrete” as a substitute for and equally acceptable as brick or brick embossed poured concrete.**  
The amended language inserts “stone textured poured concrete” into the paragraph. The proposed language would allow for a “stone textured poured concrete wall” to be constructed on the site. The undersigned supports the use of “stone textured poured concrete” as a viable option to poured brick embossed concrete as a screening devise. The determination of the type of poured wall, however, be it brick embossed or stone textured should be made by the Planning Commission at the public hearing. The proposed language then should be amended to add the following sentence: **“The Planning Commission shall determine the type of masonry wall to be constructed on site at the public hearing.”**
3. **Sec. 10.0503 and Sec. 10.0603 Special Land uses permitted in the R-1-S and R-1-E Districts. Amend the Sections to delete the paragraphs referring to Planned Unit Development (PUD).**  
The ordinance as written makes reference to Planned Unit Development as a use permitted by Special Land Use procedures in both the R-1-S and R-1-E Districts. It should be noted that this is an obvious omission in the Ordinance. The Township Board voted in 2001 to repeal PUD provisions from Sec. 10.0705 (R-1 Urban One-Family Residential District). Sec. 10.0705 was a separate section of the R-1 District that contained the development standards for PUD proposals. There is no rational basis for listing PUD as a permitted ‘Special Land Use’ when the development standards that must be attached as part of a special land use approval have been repealed by the Township Board. The repeal or deletion of the two paragraphs referenced above will complete the intent of the previous amendment.

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

4. **Sec. 10.0604 Site limitations-Minimum lot area would be revised to require that the density for development within the R-1-E District comport with the Master Plan designation of 2 Units or less per acre.**

The R-1-E District is the residential zoning district within the Township Zoning Ordinance that is intended to be in line with the Master Plan residential density designation of 2 Units per acre. The amendments as proposed to Sec. 10.0604 A would make the regulations more in line with the intent of the Master Plan. The amendments as proposed within this paragraph are as follows:

- Where no public water and sanitary sewer are available to the site the lot area would be increased from 30,000 sq. ft. to 40,000 sq. ft. This increase is necessary to meet the size of an engineered field based on current County Health Department standards.
- Where public sanitary sewer is available to the site the lot area would be increased from 20,000 sq. ft. to 21,780 sq. ft. The 21,780 figure amounts to one-half acre. Therefore, 21,780 sq. ft. is the minimum lot size that could be used if a split or division is made under these terms.
- Where both public water and sanitary sewer are available to the site the lot frontage would be increased from 80 ft to 100 ft. One hundred feet frontage lots with 150 ft. depth are more reasonable dimensions to meet the 15,000 sq. ft. minimum for the R-1-E District than 80 ft. x 188 ft. as currently written. Further, there should be a greater distinction between the R-1 and R-1-E in terms of lot frontage than just 10 feet.
- The final sentence of the paragraph adds the language that in effect sums up the intent of the amendment; that the lot yield shall not exceed two units per acre.

5. **Sec. 10.0704 Site limitations-Minimum lot area would be revised to require that the density for development within the R-1 District comport with the Master Plan designation of 3Units or less per acre.**

The R-1-C District is the residential zoning district within the Township Zoning Ordinance that is intended to be in line with the Master Plan residential density designation of 3 Units per acre. The amendments as proposed to Sec. 10.704 A. would make the regulations more in line with the intent of the Master Plan. The amendments as proposed within this paragraph are as follows:

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

- Where no public water and sanitary sewer are available to the site the lot area would be increased from 30,000 sq. ft. to 40,000 sq. ft. This increase is necessary to meet the size of an engineered field based on current County Health Department standards.
- Where no public water and sanitary sewer are available to the site the width of the parcel would increase from 100 ft. to 116 ft. Based on a minimum lot size of 40,000 sq. ft and a ratio of depth not to exceed three times the width; 116 ft. x 348 ft. are the dimensions necessary to come closest to the minimum lot size while meeting the 3:1 ratio.
- Where only sanitary sewer is available the lot area would be reduced from 20,000 sq. ft. to 14,520 sq. ft. which is one-third of an acre. Since the Master Plan guideline is based on 3 units per acre the minimum lot size in the R-1 District should be in line with that goal. The minimum depth dimension is recommended to be changed from 150 ft. to 140 ft. The 140 ft. dimension is consistent with the dimension that is used in the R- 1 District for lots backing to a major road.
- Where both public water and sanitary sewer are available to the site the lot area would remain as written. The only change with respect to the minimum dimensions required for the R-1 District would apply to the depth required where rear lots lines abuts a public road right-of-way. The ordinance as written requires a minimum depth of 150 ft. and the recommended dimension is now 140 ft.
- The final sentence of the paragraph adds the language that in effect sums up the intent of the amendment; that the lot yield shall not exceed three units per acre.

**6. Sec. 10.2405 I. Variance Review Procedures.**

As written the paragraph requires the record owner of the property to sign the Notice of Variance for recording with the County Register of Deeds. The amendment would allow the matter to proceed to the Register of Deeds based on the minutes of the Zoning Board of Appeals without any required signatures from property owners. There is no statutory requirement that the property sign such a form and the requirement as written has been found to be an unnecessary burden to the effective administration of the Zoning Boards decisions.

Public Portion: None

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

**MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to adopt the proposed Zoning Ordinance Amendment §10.0344 - Wall Construction - Amend the paragraph to permit “stone textured poured concrete” as a substitute for and equally acceptable as brick or brick embossed poured concrete. The amended language inserts “stone textured poured concrete” into the paragraph. The proposed language would allow for a “stone textured poured concrete wall” to be constructed on the site. The undersigned supports the use of “stone textured poured concrete” as a viable option to poured brick embossed concrete as a screening devise. The determination of the type of poured wall, however, be it brick embossed or stone textured should be made by the Planning Commission at the public hearing. The proposed language then should be amended to add the following sentence: “The Planning Commission shall determine the type of masonry wall to be constructed on site at the public hearing” pursuant to the Planning Consultants recommendations as follows:**

**Sec. 10.0344 Wall Construction- Amend the paragraph to permit “stone textured poured concrete” as a substitute for and equally acceptable as brick or brick embossed poured concrete. The amended language inserts “stone textured poured concrete” into the paragraph. The proposed language would allow for a “stone textured poured concrete wall” to be constructed on the site. The undersigned supports the use of “stone textured poured concrete” as a viable option to poured brick embossed concrete as a screening devise. The determination of the type of poured wall, however, be it brick embossed or stone textured should be made by the Planning Commission at the public hearing The proposed language then should be amended to add the following sentence: “The Planning Commission shall determine the type of masonry wall to be constructed on site at the public hearing.”**

**MOTION carried.**

**MOTION by KOEHS seconded by ZOLNOSKI to forward the recommendation to the Township Board of Trustees to adopt the proposed Zoning Ordinance Amendment §10.2405 - (¶ I) remove signature requirement on Notices of Variance. As written the paragraph requires the record owner of the property to sign the Notice of Variance for recording with the County Register of Deeds. The amendment would allow the matter to proceed to the Register of Deeds based on the minutes of the Zoning Board of Appeals without any required signatures from property owners. There is no statutory requirement that the property sign such a form and the requirement as written has been found to be an unnecessary burden to**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

**the effective administration of the Zoning Boards decisions pursuant to the Planning Consultants recommendations as follows:**

**Sec. 10.2405 I. Variance Review Procedures.**

**As written the paragraph requires the record owner of the property to sign the Notice of Variance for recording with the County Register of Deeds. The amendment would allow the matter to proceed to the Register of Deeds based on the minutes of the Zoning Board of Appeals without any required signatures from property owners. There is no statutory requirement that the property sign such a form and the requirement as written has been found to be an unnecessary burden to the effective administration of the Zoning Boards decisions.**

**MOTION carried.**

**MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to adopt the proposed Zoning Ordinance Amendment §10.0503 - (¶ III) remove reference to Planned Unit Development (PUD) relating to Sections 10.0503 and Sec. 10.0603 Special Land uses permitted in the R-1-S and R-1-E Districts. Amend the Sections to delete the paragraphs referring to Planned Unit Development (PUD). The ordinance as written makes reference to Planned Unit Development as a use permitted by Special Land Use procedures in both the R-1-S and R-1-E Districts. It should be noted that this is an obvious omission in the Ordinance. The Township Board voted in 2001 to repeal PUD provisions from Sec. 10.0705 (R-1 Urban One-Family Residential District). Sec. 10.0705 was a separate section of the R-1 District that contained the development standards for PUD proposals. There is no rational basis for listing PUD as a permitted 'Special Land Use' when the development standards that must be attached as part of a special land use approval have been repealed by the Township Board. The repeal or deletion of the two paragraphs referenced above will complete the intent of the previous amendment pursuant to the Planning Consultants recommendations as follows:**

**Sec. 10.0503 and Sec. 10.0603 Special Land uses permitted in the R-1-S and R-1-E Districts. Amend the Sections to delete the paragraphs referring to Planned Unit Development (PUD). The ordinance as written makes reference to Planned Unit Development as a use permitted by Special Land Use procedures in both the R-1-S and R-1-E Districts. It should be noted that this is an obvious omission in the Ordinance. The Township Board voted in 2001 to repeal PUD provisions from Sec. 10.0705 (R-1 Urban One-Family Residential District). Sec. 10.0705 was a separate section of the R-1 District that contained the development standards for PUD proposals.**



MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

**There is no rational basis for listing PUD as a permitted 'Special Land Use' when the development standards that must be attached as part of a special land use approval have been repealed by the Township Board. The repeal or deletion of the two paragraphs referenced above will complete the intent of the previous amendment.**

**MOTION carried.**

**MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to adopt the Proposed Zoning Ordinance Amendment §10.0604 - amending lot area. Sec. 10.0604 Site limitations-Minimum lot area would be revised to require that the density for development within the R-1-E District comport with the Master Plan designation of 2 Units or less per acre. The R-1-E District is the residential zoning district within the Township Zoning Ordinance that is intended to be in line with the Master Plan residential density designation of 2 Units per acre. The amendments as proposed to Sec. 10.0604 A would make the regulations more in line with the intent of the Master Plan pursuant to the Planning Consultants recommendations as follows:**

**Sec. 10.0604 Site limitations-Minimum lot area would be revised to require that the density for development within the R-1-E District comport with the Master Plan designation of 2 Units or less per acre. The R-1-E District is the residential zoning district within the Township Zoning Ordinance that is intended to be in line with the Master Plan residential density designation of 2 Units per acre. The amendments as proposed to Sec. 10.0604 A would make the regulations more in line with the intent of the Master Plan. The amendments as proposed within this paragraph are as follows:**

- Where no public water and sanitary sewer are available to the site the lot area would be increased from 30,000 sq. ft. to 40,000 sq. ft. This increase is necessary to meet the size of an engineered field based on current County Health Department standards.**
- Where public sanitary sewer is available to the site the lot area would be increased from 20,000 sq. ft. to 21,780 sq. ft. The 21,780 figure amounts to one-half acre. Therefore, 21,780 sq. ft. is the minimum lot size that could be used if a split or division is made under these terms.**
- Where both public water and sanitary sewer are available to the site the lot frontage would be increased from 80 ft to 100 ft. One hundred feet frontage lots with 150 ft. depth are more**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

reasonable dimensions to meet the 15,000 sq. ft. minimum for the R-1-E District than 80 ft. x 188 ft. as currently written. Further, there should be a greater distinction between the R-1 and R-1-E in terms of lot frontage than just 10 feet.

- The final sentence of the paragraph adds the language that in effect sums up the intent of the amendment; that the lot yield shall not exceed two units per acre.

**MOTION carried.**

**MOTION by KOEHS seconded by THOEL to forward the recommendation to the Township Board of Trustees to adopt the Proposed Zoning Ordinance Amendment §10.0704 Site limitations-Minimum lot area would be revised to require that the density for development within the R-1 District comport with the Master Plan designation of 3 Units or less per acre. The R-1-C District is the residential zoning district within the Township Zoning Ordinance that is intended to be in line with the Master Plan residential density designation of 3 Units per acre. The amendments as proposed to Sec. 10.704 A. would make the regulations more in line with the intent of the Master Plan. Pursuant to the Planning Consultants recommendations as follows:**

**Sec. 10.0704 Site limitations-Minimum lot area would be revised to require that the density for development within the R-1 District comport with the Master Plan designation of 3Units or less per acre. The R-1-C District is the residential zoning district within the Township Zoning Ordinance that is intended to be in line with the Master Plan residential density designation of 3 Units per acre. The amendments as proposed to Sec. 10.704 A. would make the regulations more in line with the intent of the Master Plan. The amendments as proposed within this paragraph are as follows:**

- **Where no public water and sanitary sewer are available to the site the lot area would be increased from 30,000 sq. ft. to 40,000 sq. ft. This increase is necessary to meet the size of an engineered field based on current County Health Department standards.**
- **Where no public water and sanitary sewer are available to the site the width of the parcel would increase from 100 ft. to 116 ft. Based on a minimum lot size of 40,000 sq. ft and a ratio of depth not to exceed three times the width; 116 ft. x 348 ft. are the dimensions necessary to come closest to the minimum lot size while meeting the 3:1 ratio.**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

- **Where only sanitary sewer is available the lot area would be reduced from 20,000 sq. ft. to 14,520 sq. ft. which is one-third of an acre. Since the Master Plan guideline is based on 3 units per acre the minimum lot size in the R-1 District should be in line with that goal. The minimum depth dimension is recommended to be changed from 150 ft. to 140 ft. The 140 ft. dimension is consistent with the dimension that is used in the R- 1 District for lots backing to a major road.**
- **Where both public water and sanitary sewer are available to the site the lot area would remain as written. The only change with respect to the minimum dimensions required for the R-1 District would apply to the depth required where rear lots lines abuts a public road right-of-way. The ordinance as written requires a minimum depth of 150 ft. and the recommended dimension is now 140 ft.**
- **The final sentence of the paragraph adds the language that in effect sums up the intent of the amendment; that the lot yield shall not exceed three units per acre.**

**MOTION carried.**

**AGENDA ITEMS:**

6. **Tentative Preliminary Plat (Revised); Gloede Park Subdivision;** Located on the northwest corner of 21 Mile Road and Garfield Road; John Cavaliere, Petitioner. Permanent Parcel No. 08-30-400-020.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the petitioner's request involving a revision to the tentative preliminary plat for the above-described property. The revision involves a proposal to phase the project into 2 phases, lots 1 thru 52 and lots 53 thru 59.

The planning consultant did meet with the applicant in July 2002, to discuss the options available as a result of the redesign. It was determined that certain variances would be necessary as a result of the redesign. The Planning Commission, at its meeting of September 3, 2002, recommended that the proposed tentative preliminary plat be denied. The applicant appeared before the Township ZBA November 12, 2002. The ZBA determined that normal street layout and lot configuration cannot meet the standards of the zoning ordinance for lots 58 and 59 of the proposed subdivision. The Board of Appeals voted to approve the request to vary the size of lots 58 and 59.

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

The Township Board at its meeting of December 23, 2002 tabled action on the proposed plat at the request of the applicant so the matter could be referred back to the Planning Commission for reconsideration of the proposed tentative plat as amended.

Mr. Schmeiser recommended that the revised tentative preliminary plat for Gloede Park Subdivision be approved pursuant to the standard conditions. This approval should be conditioned upon the petitioner providing the Township Clerk's Department with revised tentative preliminary plat plans with properly dimensioned Lots.

Petitioner Present: John Cavaliere indicated for clarification purposes, the tentative preliminary plat and final preliminary plat were revised only to change the order of the lot numbers. The number of proposed lots is the same. However the number range has changed making all of the lots in sequence as required by Lansing, Michigan. Further that the Phase lines previously approved have not changed.

Public Portion: None

**MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat (Revised); Gloede Park Subdivision. This motion is conditioned upon the petitioner providing to the Township Clerk's Department newly revised Tentative Preliminary Plat plans with properly dimensioned subdivision lots prior to being scheduled on a future Board of Trustees Agenda. Parcel No. 08-30-400-020. This motion is pursuant to the Planning Consultants recommendations as follows:**

**It is recommended that the revised tentative preliminary plat for Gloede Park Subdivision be approved with the following conditions:**

- 1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of the Macomb Township Code of Ordinances, Land Division Regulations:**
  - a. Macomb County Road Commission**
  - b. Office of Public Works Commission of Macomb County**
  - c. Macomb County Health Department**
  - d. Macomb County Planning Commission**
  - e. Michigan Department of Environmental Quality**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

- f. All public utility companies affected.**
  - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That the detention area meets the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
- 5. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
- 6. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
- 7. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 9. That the "landscape easement" that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

**no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.**

**It is noted that in the development of the landscape easement, that no stones (a cobblestone measuring 3-8" in diameter is permitted) or loose materials are allowed to within 3' of any paved areas.**

- 10. That a bond in an amount determined by the Township Consulting Engineer be posted assuring the development of the "landscape easement." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.**
- 11. That the Tentative Preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.**
- 12. All street names must be cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.**
- 13. That the petitioner submits two (2) copies of the restrictive covenants that will be recorded as part of this plat. Said covenants must include an article to provide perpetual maintenance of all limited common that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.**
- 14. If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.**
- 15. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

16. That revised plans be submitted showing the dimension of the lots on the plan.

**MOTION carried.**

7. **Final Preliminary Plat (Revised); Gloede Park Subdivision;** Located on the northwest corner of 21 Mile Road and Garfield Road; John Cavaliere, Petitioner. Permanent Parcel No. 08-30-400-020.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the petitioner's request to revise the final preliminary plat plans and recommended approval.

The petitioner is requesting revised final preliminary plat approval for the above-described property. The revision involves a proposal to phase the project into 2 phases, lots 1 thru 52 and lots 53 thru 59.

Petitioner Present: John Cavaliere

Public Portion: None

**MOTION by KOEHS seconded by ZOLNOSKI to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat (Revised); Gloede Park Subdivision. This motion is**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

conditioned upon the petitioner providing to the Township Clerk's Department with new revised Final Preliminary Plat plans with properly dimensioned subdivision lots prior to being scheduled on a future Board of Trustees Agenda. Parcel No. 08-30-400-020. This motion is pursuant to the Planning Consultants recommendations as follows:

It is recommended that the revised final preliminary plat for Gloede Park Subdivision be approved with the following conditions:

1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of the Macomb Township Code of Ordinances, Land Division Regulations:
  - a. Macomb County Road Commission
  - b. Office of Public Works Commission of Macomb County
  - c. Macomb County Health Department
  - d. Macomb County Planning Commission
  - e. Michigan Department of Environmental Quality
  - f. All public utility companies affected.
  - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That the detention area meets the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinance.
6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or



MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

**map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**

- 7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
- 8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 9. That the "landscape easement" that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.**

**It is noted that in the development of the landscape easement, that no stones (a cobblestone measuring 3-8" in diameter is permitted) or loose materials are allowed to within 3' of any paved areas.**

- 10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.**
- 11. All street names must be cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.**
- 12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.

13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The "Restrictive Covenants" must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The "Articles of Incorporation" must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plat.
16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

17. That revised plans be submitted showing the dimension of the lots on the plan.

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

**MOTION carried.**

8. **Final Preliminary Plat (Revised); Westminister Subdivision, Phase I;** Located north of 22 Mile Road, approximately ¼ mile east of Hayes Road; Pulte Land Company, LLC, Petitioner. Permanent Parcel No. 08-19-200-012.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

The petitioner is requesting approval for a revision to the final preliminary plat approved June 9, 2004, for the Westminister Subdivision. The revision is necessary to correct lot line and right-of-way discrepancies between the final preliminary plat and the approved engineering plans at lots 80-92, 183, 184 and 192-203. Subject property is the south 75.25 acres of the total 190 acre parcel that made up the Tentative Preliminary Plat approval for the Westminister Subdivision. The Township Board granted Tentative Preliminary Plat approval for the entire Westminister Subdivision consisting of 491 lots on August 28, 2002. The Township Board at its meeting of June 25, 2003 voted to approve an extension of the Tentative Preliminary Plat to August 28, 2004. The Township Board at its meeting of September 10, 2003 voted to approve the Final Preliminary Plat for subject parcel.

Petitioner's Present: Clark Doughty, Craig Duckwitz, William Thompson, Shawn Grinnen and other representatives on behalf of Pulte Land Company whose names were not mentioned.

Public Portion: None

**MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat (Revised); Westminister Subdivision, Phase I. Permanent Parcel No. 08-19-200-012. This motion is pursuant to the Planning Consultants recommendations as follows:**

1. **The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.**
  - a. **Macomb County Road Commission**
  - b. **Office of Public Works Commission of Macomb County**
  - c. **Macomb County Health Department**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

- d. **Macomb County Planning Commission**
  - e. **Michigan Department of Environmental Quality**
  - f. **All public utility companies affected.**
  - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that nay connecting sidewalk tying to the plat to any public street be installed by the petitioner.**
- 2. **The Township Engineer approves all engineering plans for the computed plat.**
  - 3. **That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
  - 4. **Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
  - 5. **That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
  - 6. **Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
  - 7. **That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
  - 8. **That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
  - 9. **That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

It is noted that in the development of the landscape easement, that no stones (a cobblestone measuring 3-8" in diameter is permitted) or loose materials are allowed to within 3 feet of any paved areas.

10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by the Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. The items must be

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

completed prior to the Developer applying for approval of the Final Plat.

16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combines into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits.

In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's

Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

17. That revised landscape plans be submitted to provide an additional 175 evergreen trees adjoining lots 59-73 and lots 136-148.
18. That the proprietor shall submit building envelopes for lots 1, 45 and 92 and further, that said building envelopes shall be recorded with the Register of Deeds with the Final Plat.

**MOTION carried.**

9. **Landscape Plan (Revised); Westminster Subdivision, Phase I;** Located north of 22 Mile Road, approximately ¼ mile east of Hayes Road; Pulte Land Company, LLC, Petitioner. Permanent Parcel No. 08-19-200-012.

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner's Present: Clark Doughty, Craig Duckwitz, William Thompson, Shawn Grinnen and other representatives on behalf of Pulte Land Company whose names were not mentioned.

Public Portion: Gary Cooper, 28470 13 Mile Road, Farmington Hills, Michigan. Mr. Cooper held further discussion with Mr. Schmeiser relating to the requirement for additional evergreen trees for the landscaping of this site.

**MOTION by AUSILIO seconded by PENZIEN to forward the recommendations to the Township Board of Trustees to approve the Landscape Plan (Revised); Westminister Subdivision, Phase I pursuant to the recommendation of the Community Planning Consultants provided the petitioner will submit the revised Landscape plans detailing the changes involving 175 additional evergreen trees adjoining lots 59-73 and lots 136-148. Permanent Parcel No. 08-19-200-012. This motion is pursuant to the Planning Consultants recommendations as follows:**

**It is recommended that the Revised Final preliminary plat for Westminister Subdivision as described above be approved with the following conditions:**

- a. The dimensions of lots 1, 45, and 92 are determined to require established building envelopes. It will be necessary to require that building envelopes shall be submitted by the proprietor and approved by the Township Board prior to the application filed for Final Plat.**
- b. That the landscape plan submitted as part of this application does not meet minimum screening requirements of the Township Land Division Ordinance to effectively screen the subject lots from incompatible land uses.**
- c. The plant selection along the west property line abutting lots 59-73 and lots 136-148 while numerous, varied, and quality plants do not provide sufficient screening as intended by the ordinance. There is a definite need for additional evergreen trees as opposed to low growing bushes and deciduous trees. There are only 45 evergreen trees abutting the lots referenced above. In order to meet the minimum standard an additional 175 evergreen trees must be planted adjoining the above referenced lots.**

**MOTION carried.**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

10. **Final Preliminary Plat (Revised); Westminister Subdivision, Phase II;** Located north of 22 Mile Road, approximately ¼ mile east of Hayes Road; Pulte Land Company, LLC, Petitioner. Permanent Parcel No. 08-19-200-012.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Subject property is the north 114.79 acres of the total 190 acre parcel that made up the Tentative Preliminary Plat approval for the Westminister Subdivision. The Township Board granted Tentative Preliminary Plat approval for the entire Westminister Subdivision consisting of 491 lots on August 28, 2002. The Final Preliminary Plat was originally approved by the Township on September 10, 2003. The revised Final Preliminary Plat was approved on June 9, 2004. The application for the revised plat for the December 6, 2005 meeting indicates that the revision is necessary because of a revision to the legal description of the property to correct the bearing reference. The revision does not change the physical size, location, or configuration of subject property.

Petitioner's Present: Clark Doughty, Craig Duckwitz, William Thompson, Shawn Grinnen and other representatives on behalf of Pulte Land Company whose names were not mentioned.

Public Portion: None

**MOTION by KOEHS seconded by OLIVER to forward the recommendation to the Township Board of Trustees Final Preliminary Plat (Revised); Westminister Subdivision, Phase II; Permanent Parcel No. 08-19-200-012. This motion is pursuant to the Planning Consultants recommendations as follows:**

**It is recommended that the revised Final preliminary plat for Westminister Subdivision No. 2 as described above be approved with the following conditions:**

1. **The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.**
  - a. **Macomb County Road Commission**
  - b. **Office of Public Works Commission of Macomb County**



MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

- c. **Macomb County Health Department**
  - d. **Macomb County Planning Commission**
  - e. **Michigan Department of Environmental Quality**
  - f. **All public utility companies affected.**
  - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that may connecting sidewalk tying to the plat to any public street be installed by the petitioner.**
2. **The Township Engineer approves all engineering plans for the computed plat.**
3. **That the detention area meet the requirements of the Township engineers and any Special Assessment District (SAD) be approved by the Township Board.**
4. **Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
5. **That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
6. **Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
7. **That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
8. **That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
9. **That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

ownership association for landscaping” has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

It is noted that in the development of the landscape easement, that no stones (a cobblestone measuring 3-8” in diameter is permitted) or loose materials are allowed to within 3 feet of any paved areas.

10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by the Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4” x 4” black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The ‘Restrictive Covenants’ must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners’ Association for the subdivision have been approved by the Township Attorney. The ‘Articles of Incorporation’ must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. The items must be

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

completed prior to the Developer applying for approval of the Final Plat.

16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combines into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits.

In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's

Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

17. That revised landscape plans be submitted to provide an additional 297 evergreen trees adjoining lots 247-263, lots 409-411, lots 430-433, and lots 461-480.

**MOTION carried.**

11. **Landscape Plan (Revised); Westminster Subdivision, Phase II;** Located north of 22 Mile Road, approximately ¼ mile east of Hayes Road; Pulte Land Company, LLC, Petitioner. Permanent Parcel No. 08-19-200-012.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

A total of 291 lots are planned for the property. In addition to the petitioner's request for revisions necessary to correct legal description discrepancies the staff review discovered that:

- a. That the landscape plan submitted as part of this application does not meet minimum screening requirements of the Township Land Division Ordinance to effectively screen the subject lots from incompatible land uses.
- b. The plant selection along the west and north property lines abutting lots 247-263 and lots 409-411, and lots 430-433, and lots 461-467 and lots 468-480 while numerous, varied, and quality plants do not provide sufficient screening as intended by the ordinance. There is a definite need for additional evergreen trees as opposed to low growing bushes and deciduous trees. There are only 33 evergreen trees abutting the lots referenced above. In order to meet the minimum standard an additional 297 evergreen trees must be planted adjoining the above referenced lots.

Petitioner's Present: Clark Doughty, Craig Duckwitz, William Thompson, Shawn Grinnen and other representatives on behalf of Pulte Land Company whose names were not mentioned.

Chairman GALLAGHER, Members AUSILIO and THOEL expressed their concerns relating to the area labeled on the plans as the "Park" area. Issues concerning emergency vehicle access to the park were discussed along with suggestions to change wording of "Park" to "open space".

The petitioners reviewed the reason for the labeling on the plans described as the "Park" which is required language of the (MDEQ) Michigan Department of Environmental Quality. Ms. O'Connor held further discussion with the members of the Board relating to MDEQ requirements.

**MOTION by KOEHS seconded by ZOLNOSKI to forward the recommendations to the Township Board of Trustees to approve the Landscape Plan (Revised); Westminister Subdivision, Phase II pursuant to the recommendation of the Community Planning Consultants with the added caveat that the petitioner will provide the Township Clerk's Department with revised Landscape plans detailing the changes involving 175 additional evergreen trees adjoining lots 59-73 and lots 136-148. Permanent Parcel No. 08-19-200-012. This motion is pursuant to the Planning Consultants recommendations as follows:**

- a. The dimensions of lots 1, 45, and 92 are determined to require established building envelopes. It will be necessary to require that building envelopes shall be submitted by the proprietor and

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

approved by the Township Board prior to the application filed for Final Plat.

- b. That the landscape plan submitted as part of this application does not meet minimum screening requirements of the Township Land Division Ordinance to effectively screen the subject lots from incompatible land uses.
- c. The plant selection along the west property line abutting lots 59-73 and lots 136-148 while numerous, varied, and quality plants do not provide sufficient screening as intended by the ordinance. There is a definite need for additional evergreen trees as opposed to low growing bushes and deciduous trees. There are only 45 evergreen trees abutting the lots referenced above. In order to meet the minimum standard an additional 175 evergreen trees must be planted adjoining the above referenced lots.

**MOTION carried.**

- 12. **Technical Change; Fairway Commons Condominiums;** Located on the southwest corner of 21 Mile and Card Roads (excluding the immediate corner); Tom Vittiglio, Petitioner. Permanent Parcel No. 08-34-200-019.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

The petitioner is requesting approval for a technical change for the Fairway Commons Condominium complex. The purpose of the request is to allow a designated patio area width of 38'10" per unit rather than 12' wide as approved.

Petitioner Present: Tom Vittiglio

Public Portion: None

**MOTION by KOEHS seconded by OLIVER to approve technical change for the Fairway Commons Condominium complex to allow a designated patio area width of 38'10" per unit rather than 12' wide. Permanent Parcel No. 08-34-200-019. This motion is pursuant to the Planning Consultants recommendations as follows:**

**This motion is subject to the Planning Consultants recommendations as follows:**

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall constructed on a continuous foundation and be secured with screened gates. The "hung" type wall, that is with panels hung or channeled pillars, shall not be allowed. All walls to be constructed with a pointed cap, the angle of the pointed cap to be 45 degrees.
8. An acceptable method of surety, such as a corporate bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

- within two (2) years from the date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department. *(Bond posted August 15, 2005)*
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
  10. That handicapped parking be provided per the requirements of the State and the ADA (American Disabilities Act).
  11. That the signs be designated on the site plan and meet the Township Ordinances.
  12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
  13. MDEQ – That specific conditions and approval regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
  14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels hung or channeled pillars, shall not be allowed.
  15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain Office.
  16. That the petitioner properly names any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office.

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display or merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a technical change, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.

**MOTION carried.**

**PLANNING CONSULTANTS COMMENTS:**

Jerome R. Schmeiser, Community Planning Consultant, briefly reviewed the Zoning Board of Appeals Meeting of November 8, 2005 relating to their action to table the variance request of Section 10.2402(C)(6)-Requesting the extension of an approved site plan; Located on the northeast corner of Hall Road and Hayes Road; Section 31; BP Gas Station, Petitioner. Permanent Parcel No. 08-31-300-031.



MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
HELD TUESDAY, DECEMBER 6, 2005

The variance was tabled to allow for further investigation relating to the reasons why the Planning Commission denied the extension of time for site plan request at their meeting of August 16, 2005.

**PLANNING COMMISSION COMMENTS:** None

13. Motion to receive and file all correspondence in connection with this agenda.

**MOTION by PENZIEN seconded by AUSILIO to receive and file all correspondence in connection with this agenda.**

**MOTION carried.**

**ADJOURNMENT:**

**MOTION by PENZIEN seconded by AUSILIO to adjourn the meeting at 9:50 p.m.**

**MOTION carried.**

Respectfully submitted,

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Edward Gallagher, Chairman

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Michael D. Koehs, CMC  
Macomb Township Clerk  
MDK/gmh